

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 08-0318

**ELECTRONICALLY FILED**

v.

ANDREW PEARSON also known as COOKIE  
also known as GARNETT LEWIS OWENS also  
known as LOUIS OWENS, CORNELIUS  
NEWBERN also known as CORN,

Defendants.

**ORDER OF COURT RELATING TO DEFENDANTS' MOTIONS IN LIMINE  
(DOC. NOS. 105, 106, 107 AND 108)**

After consideration of defendants' Motions in Limine (doc. nos. 105, 106, 107 and 108),  
and opposition thereto (doc. nos. 111, 114, 112, and 113), IT IS HEREBY ORDERED as  
follows:

1. Defendant Newbern's Motion in Limine to Preclude the Government from  
Offering Any Additional Witness Identification Evidence at Trial (doc. no. 105) is  
DENIED AS MOOT, given the Government's response that it does not intend to  
offer any additional witness identification evidence.
2. Defendant Pearson's Motion in Limine to Exclude Evidence of Other Crimes,  
Wrongs or Bad Acts That Have Been Identified by the Government (doc. no. 106)  
is DENIED as to the evidence that Mr. Pearson's alleged relationship with Ms.  
Scalzitti and that he allegedly verbally and physically assaulted Ms. Scalzitti as

said evidence is inextricably intertwined with the charges in the indictment and it is proper Rule 404(b) evidence in that it has a proper purpose, it is relevant, and its probative value outweighs its potential for unfair prejudice. The parties shall submit a joint proposed limiting instruction for the jury on or before August 4, 2009. The Motion is GRANTED as to the evidence that Pearson has faked or exaggerated an injury, unless Pearson opens the door during trial proceedings.

3. Defendant Pearson's Motion in Limine to Exclude Evidence of Out of Court Identifications That Have Not Been Disclosed (doc. no. 107) (like doc. no. 105) is DENIED AS MOOT.
4. Defendant Pearson's Motion in Limine to Prohibit the Prosecution and Its Witnesses from Using Nicknames in Court When Referring to Defendants (Doc. No. 108) is GRANTED IN PART AND DENIED IN PART. The Government shall address defendants by their proper names throughout the trial except where the use of defendants' nicknames is appropriate or necessary as part of the questioning of a witness.

**SO ORDERED** this 28<sup>th</sup> day of July, 2009.

s/ Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: All Registered ECF Counsel and Parties